

REMARKS

Reconsideration and allowance of the subject application are respectfully solicited.

Claims 1 through 3, 5 through 7, 10, and 13 are pending, with Claims 1, 10, and 13 being independent. Claims 4, 8, 9, 11, and 12 have been cancelled without prejudice. All pending claims have been amended. The specification has been amended.

Claim 12 was rejected under 35 U.S.C. § 101. All rejections are respectfully traversed, and are submitted to have been mooted by the cancellation without prejudice of the claim.

Claims 1 through 13 were rejected under 35 U.S.C. § 102 over JP-A 2001-84705 (“JP ‘705”). All rejections are respectfully traversed.

Claims 1, 10, and 13 recite, *inter alia*, recording the first and second files such that dummy data of the first file is recorded in the first recording area during stand-by of recording of the motion image data, the second file is recorded in the second recording area during recording of the motion image data, and the first file is recorded in the first recording area instead of the dummy data recorded therein after the recording of the motion image data is completed.

However, Applicant respectfully submits that JP ‘705 fails to disclose or suggest at least the above-discussed claimed features as recited, *inter alia*, in Claims 1, 10, and 13. Applicant respectfully submits that JP ‘705 discloses, e.g., in Fig. 15, to record an index file of a movie file onto an inner area of a disk, and that the movie includes movie resource data and movie data (e.g., [0033]); however, Applicant respectfully submits that JP ‘705 is silent at least as regards the above-discussed claimed features.

Applicant further respectfully submits that there has been no showing of any indication of motivation in the cited document that would lead one having ordinary skill in the art to arrive at the above-discussed claimed features.

The dependent claims are also submitted to be patentable because they set forth additional aspects of the present invention and are dependent from independent claims discussed above. Therefore, separate and individual consideration of each dependent claim is respectfully requested.

Applicant submits that this application is in condition for allowance, and a Notice of Allowance is respectfully requested.

Applicant's undersigned attorney may be reached in our Washington D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

/Daniel S. Glueck/  
Daniel S. Glueck  
Attorney for Applicant  
Registration No. 37,838

FITZPATRICK, CELLA, HARPER & SCINTO  
1290 Avenue of the Americas  
New York, New York 10104-3800  
Facsimile: (212) 218-2200  
DSG/jfr